

District Court of the United States for said district a libel praying the seizure and condemnation of 2 cases of olive oil, remaining in the original unbroken packages at Pittston, Pa., alleging that the article had been shipped by the Rome Importing Co., New York, N. Y., on or about February 18, 1921, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Olio d'Oлива Sopraffino Garantito Puro * * * Marca Angelo * * * One Gallon * * * Rome Importing Co. * * * N. Y., U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "One Gallon," appearing on the tin containers of the said article, was false and misleading and deceived and misled the purchaser, since the said tins contained less than 1 gallon of the article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said containers, since the statement, "One Gallon," was not correct.

On June 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the phrase, "One Gallon," be obliterated from the labeling and the product sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11622. Adulteration of cereal shorts. U. S. v. 50 Sacks of Cereal Shorts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16878. I. S. No. 10055-v S. No. C-3825.)

On October 18, 1922, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 sacks of cereal shorts at Morrilton, Ark., alleging that the article had been shipped by the Schreiber Flour & Cereal Co., Kansas City, Mo., on or about September 23, 1922, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tags) "Fancy Grey Cereal Shorts Guaranteed Analysis * * * Ingredients: Wheat Shorts, Low Grade Flour and Corn Shorts. Maximum 8% Screenings. Manufactured By Schreiber Flour & Cereal Co. Kansas City, Mo."

Adulteration of the article was alleged in the libel for the reason that a mixture of ground bran and flour had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Fancy Grey Cereal Shorts," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11623. Adulteration and misbranding of vinegar. U. S. v. 65 Barrels of Vinegar. Consent decree ordering release of product under bond. (F. & D. No. 16881. I. S. No. 2542-v S. No. E-4197.)

On October 10, 1922, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 barrels of vinegar, remaining in the original unbroken packages at Ashley, Pa., alleging that the article had been shipped by the Powell Corp., Canandaigua, N. Y., on or about September 6, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% * * * Man'fd By The Powell Corp. Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed therewith so as to reduce and lower